

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**FREDDIE WEHRMAN****Plaintiff**

vs.

**SMITH COUNTY, TEXAS****Defendants**

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**CN: 6:15cv00438**

Presiding Judge: John D. Love

Courtroom Deputy: Sharon Baum

Trial/Hearing Date(s): September 19, 2016

Court Reporter:

**DEFENDANT'S AMENDED TRIAL WITNESS LIST**

At this time, Defendant identifies the following witnesses for trial in alphabetical order  
by last name:

<b>No.</b>	<b>Witness</b>	<b>Will Call</b>	<b>May Call</b>	<b>May, But Probably Will Not Call</b>
1	<p>Paul Black and/or other police officers from the Tyler Police Department Tyler, Texas 75702 903-531-1010</p> <p>These witnesses may provide testimony concerning David Cody's conduct which led to his departure from employment with the County as well as Mr. Cody's reputation for truthfulness and honesty.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½ hour.</p> <p>Will testify live.</p>		X	

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
2	<p>Lt. Carolyn Brown c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Lt. Brown is expected to testify about work orders in the central jail, about communications with Plaintiff and with Mr. Christian, about the quality of Plaintiff's job performance, about complaints about Plaintiff's job performance, and about improvements in maintenance services in the central jail following Plaintiff's termination.</p> <p>Witness has not been deposed.</p> <p>Expected to testify ½ - 1 hour.</p> <p>Will testify live.</p>	X		
3	<p>Leonardo Brown c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Brown is expected to testify both individually and as a corporate representative. Mr. Brown is expected to testify about human resources matters, including but not limited to training about and prohibitions against discrimination, about Plaintiff's employment with the County and termination from that employment, about other physical plant employees' terminations from employment, about the County's grievance procedures, about Plaintiff's grievance, and about David Cody's employment with and resignation from employment with the County. Mr. Brown may testify about the circumstances surrounding Mr. David Cody's resignation from the County.</p> <p>Witness was deposed as individual witness and</p>	X		

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>corporate representative</p> <p>Expected to testify 2-3 hours.</p> <p>Will testify live</p>			
4	<p>Steve Christian c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Christian is expected to testify about Plaintiff's employment with the County including Mr. Christian's decision to hire Plaintiff, about his expectations for performance by physical plant employees, about expectations and processes in the County's physical plant department, about maintenance needs in the central jail during Plaintiff's employment with the County, about his decision to terminate Plaintiff and another employee, about Plaintiff's grievance, about the quality of work done at the central jail during and after Plaintiff's termination, about staffing decisions for physical plant workers including those working at the central jail, about the December, 2013 jail inspection, about David Cody's resignation from employment with the County, and about stray remarks he made in conversation with another employee of the County months after Plaintiff's termination.</p> <p>Witness was deposed.</p> <p>Expected to testify 2-3 hours.</p> <p>Will testify live.</p>	X		
5	<p>Dave Cody Yantis, Texas, 75497</p> <p>Mr. Cody is expected to testify about the December, 2013 jail inspection, about the need</p>		X	

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>for extra maintenance workers to address maintenance issues at the central jail during and after the December, 2013 jail inspection, about alleged comments by Mr. Christian, about communications between Mr. Cody and the Plaintiff, and about the circumstances of Mr. Cody's resignation from his employment with the County. Defendant may call Mr. Cody live if, for some reason, Plaintiff is allowed to present him by deposition.</p> <p>Witness was deposed.</p> <p>Expected to testify 1-2 hours.</p> <p>Will testify live.</p>			
6	<p>Jessie Dewberry c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Dewberry is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½ hour.</p> <p>Witness will testify live.</p>	X		
7	<p>Chief Deputy Deal Folmar c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Chief Folmar is expected to testify about the quality of maintenance services in the central jail during and after Plaintiff's termination,</p>	X		

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>about maintenance needs at the central jail facility during Plaintiff's employment with the County, about inspections by personnel from the state jail standards board, and about the quality of Plaintiff's performance of his job duties.</p> <p>Witness was deposed.</p> <p>Expected to testify ½ - 1 hour.</p> <p>Witness will testify live.</p>			
8	<p>Joe Fry c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Fry is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination. Mr. Fry may also testify about communications he had with Mr. Cody concerning Mr. Christian publically rebuking Mr. Cody.</p> <p>Witness was deposed.</p> <p>Expected to testify ½ - 1 hour.</p> <p>Witness will testify live.</p>	X		
9	<p>Commissioner JoAnn Hampton c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Commissioner Hampton is expected to testify about the December, 2013 jail inspection and</p>		X	

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>about communications with County personnel and the jail inspector.</p> <p>Witness was deposed.</p> <p>Expected to testify ½ hour.</p> <p>Will testify live.</p>			
10	<p>Keith Marlowe c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Marlowe is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½ hour</p> <p>Witness will testify live.</p>	X		
11	<p>Sgt. John McCambridge c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Sgt. McCambridge is expected to testify about work orders in the central jail, about communications with Plaintiff and with Mr. Christian, about the quality of Plaintiff's job performance, about complaints about Plaintiff's job performance, and about improvements in maintenance services in the central jail following Plaintiff's termination.</p> <p>Witness was not deposed.</p>	X		

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>Expected to testify ½-1 hour.</p> <p>Will testify live.</p>			
12	<p>Tim Morrow c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Morrow is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½ hour.</p> <p>Witness will testify live.</p>	X		
13	<p>Ed Nichols c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Nichols is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the quality of Plaintiff's job performance, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination. Mr. Nichols may also testify about the circumstances surrounding Mr. Cody's resignation from his employment with the County.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½-1 hour.</p>	X		

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	Will testify live.			
14	<p>Officer Jefferson Roberts Tyler Police Department Tyler, Texas 75702 903-531-1010</p> <p>This witness may provide testimony concerning David Cody's conduct which led to his departure from employment with the County as well as Mr. Cody's reputation for truthfulness and honesty.</p> <p>Witness was not deposed.</p> <p>Expected to testify ¼ hour.</p>		X	
15	<p>Sheriff Larry Smith c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Sheriff Smith is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the December, 2013 jail inspection, and about communications with County personnel and the jail inspector.</p> <p>Witness was not deposed.</p> <p>Expected to testify ½ hour.</p> <p>Will testify live.</p>		X	
16	<p>Glenn Taylor Tyler, Texas 75703</p> <p>Mr. Taylor is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the quality of Plaintiff's job performance, about correction given to Plaintiff concerning the quality of his work,</p>	X		



No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>about expectations and processes in the County's physical plant department, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination.</p> <p>Witness was deposed.</p> <p>Expected to testify 1-2 hours.</p> <p>Will testify live.</p>			
17	<p>Commissioner Jeff Warr c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Commissioner Warr is expected to testify about Plaintiff's conduct during the December, 2013 jail inspection and about communications with County personnel and the jail inspector.</p> <p>Witness was deposed.</p> <p>Expected to testify ½ hour.</p> <p>Will testify live.</p>	X		
18	<p>Freddie Wehrmann c/o Bobby Lee Lee &amp; Braziel, LLP Dallas, Texas 75202 (214) 749-1400</p> <p>Mr. Wehrmann is expected to testify about his employment with the County and about his claims in this lawsuit.</p> <p>Witness was deposed.</p> <p>Expected to testify 2-3 hours.</p> <p>Will testify live.</p>	X		
19	Mike Willard	X		

No.	Witness	Will Call	May Call	May, But Probably Will Not Call
	<p>c/o Thomas P. Brandt Dallas, TX 75206 214-369-1300</p> <p>Mr. Willard is expected to testify about the quality of maintenance work at the central jail during and after Plaintiff's employment with the County, about the quality of Plaintiff's job performance, about the December, 2013 jail inspection, and about Mr. Christian's communications with other physical plant employees concerning Plaintiff's termination.</p> <p>Witness was deposed.</p> <p>Expected to testify 1 hour.</p> <p>Will testify live.</p>			

### **CERTIFICATE OF SERVICE**

This is to certify that, on the 9<sup>th</sup> day of September, 2016, a true and correct copy of the foregoing instrument was served on Plaintiff's counsel, in compliance with the Federal Rules of Civil Procedure.

/s/ Laura O'Leary  
**LAURA O'LEARY**